

THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 22334 OF 2005

DATED: 14-10-2005

Between

K. Ramachandra Reddy and another.

..... PETITIONERS

And

The District Collector, Kurnool and others.

..... RESPONDENTS

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THE HON'BLE MR. JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 22334 OF 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from the lands situated in Sy.Nos. 224, 536/1, 537, 538/1, 539/1, 446, 427 and 428 to an extent of Acs.3.35 cents, 3.42 cents, 4.44 cents, 0.35 cents, 0.40 cents, 2.13 cents, 1.05 cents and 6.04 cents respectively of Bodemmanur Village, Uyyalavada Mandal, Kurnool District and thereby trying to dispossess the petitioners from the said property without following the procedure and without putting them on notice or affording an opportunity to substantiate their claim as illegal and arbitrary and consequently to direct the respondents not to dispossess the petitioners from the above said lands.

It is stated in the affidavit filed in support of the writ petition that the lands in question originally belong to the father of the petitioners. After his demise, the petitioners have succeeded to the same and have been in possession and enjoyment of the same without any hindrance. It is further stated that their names were also mutated in the concerned revenue records. While the matter stood thus, it is alleged that on 11-10-2005 the 3rd respondent and his subordinates trespassed into the lands in question and started taking measurements of the same stating that those lands are required for a public purpose and very soon, they are going to take possession of the same. It

is the grievance of the petitioners that without giving any notice or opportunity of hearing and without following the due procedure as contemplated under the Land Acquisition Act, 1894, the respondents are resorting to dispossess them from the lands in question. Hence the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

From a perusal of the material available on record, it appears that the present writ petition has been filed on mere apprehension. In fact, no notice of dispossession as such has been served on the petitioners. In view of the same, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners from the lands in question without following the due process of law.

The Writ Petition is accordingly disposed of. No costs.

14-10-2005

ks/lur